

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Martin Bryant Boyette

Docket No. 7:08-CR-73-1D

Petition for Action on Supervised Release

COMES NOW Corey Rich, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Martin Bryant Boyette, who, upon an earlier plea of guilty to 18 U.S.C. §§ 922(g)(1), 924, and 2, Felon in Possession of a Firearm and Aiding and Abetting, was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on April 8, 2009, to the custody of the Bureau of Prisons for a term of 188 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months.

On October 3, 2013, the defendant received a Rule 35 reduction to 156 months of imprisonment. The defendant's case was remanded from the 4th Circuit and on November 15, 2016, he was resentenced to time served.

Martin Bryant Boyette was released from custody on November 15, 2016, at which time the term of supervised release commenced.

On May 24, 2018, a violation report was forwarded to the court advising that on May 15, 2018, the defendant was charged with the criminal offenses of Assault on a Female and Communicating Threats in Sampson County, North Carolina, and that on May 21, 2018, the defendant submitted a urinalysis that tested positive for methamphetamines. The court agreed to continue the defendant on supervision. The criminal offenses have since been dismissed in state court.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On June 16, 2018, the defendant submitted a urinalysis that tested positive for methamphetamines. When confronted, the defendant admitted to the illegal drug use. The defendant is enrolled in treatment and the frequency of testing has been increased. The defendant was verbally reprimanded for his actions, and has agreed to 30 day curfew with location monitoring as a sanction.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 30 consecutive days. The defendant is restricted to their residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Eddie J. Smith
Eddie J. Smith
Supervising U.S. Probation Officer

/s/ Corey Rich
Corey Rich
U.S. Probation Officer
150 Rowan Street Suite 110
Fayetteville, NC 28301
Phone: 910-354-2540
Executed On: July 02, 2018

ORDER OF THE COURT

Considered and ordered this 11 day of July, 2018, and ordered filed and
made a part of the records in the above case.

James C. Dever III
James C. Dever III
Chief U.S. District Judge